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Crl.M.P.No.5768 of 2023

in

Crl.A.No.462 of 2023

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the sentence passed by the learned Sessions Judge, Villupuram in S.C.No.215 of 2020 by the judgment dated 15.12.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on the respondent police.

3. A perusal of the order of conviction passed by the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram dated 15.12.2022 made in S.C.No.215 of 2020 reveals that, the petitioner/appellant was convicted for the offence under Section 376(2)(I) of IPC and was sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.10,000/- in default to undergo simple imprisonment for 3 months.



4. It is seen from the records that the victim is mentally disabled and she was aged about 22 years at the time of occurrence. It is alleged that the petitioner involved in heinous offence of having sexual intercourse with the victim. Further, the victim has clearly identified the petitioner through body language and the DNA test conducted by the prosecution was also proved that the petitioner had committed the alleged offence against the victim. In such circumstances, suspension of sentence cannot be granted.

5. It is pertinent to note that sexual offences against women is increasing. The menace to the society by such unscrupulous elements is more and whenever suspension of sentence is sought for this Court has to be very circumspect in granting suspension. Suspension has to be granted only if a prima facie case is made out, where contradictions, which are crucial in nature are pointed out. In the case on hand, such crucial contradictions have not been pointed out and in such view of the matter, suspending the sentence, as a matter of course, will set a bad precedent in the society. Therefore, this Court is not inclined to accede to the prayer of the petitioner/appellant seeking suspension of sentence.



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6. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in S.C.No.215 of 2020 dated 15.12.2022 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. Post the main appeal in CrI.A.No.462 of 2023 as per seriatum.

16.07.2024

sp

To

1.The Sessions Judge,
Magalir Neethi Mandram, (Fast Track Mahila Court),
Villupuram.

2.The Public Prosecutor,
High Court of Madras.



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